

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

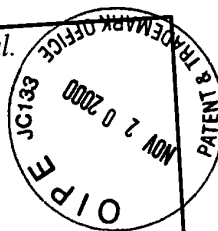
In re the application of: Carl H. June *et al.*

CPA of Serial No.: 09/027,205

Filed: February 20, 1998

For: *METHODS FOR MODULATING EXPRESSION
OF AN HIV-1 FUSION COFACTOR*

Attorney Docket No.: GNN-001CPA



Group Art Unit: 1644

Examiner: P. Gambel

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Assistant Commissioner for Patents
Washington, D.C. 20231

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11/10/00
Date of Signature and of Mail Deposit

By:

Elizabeth A. Hanley
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Attorney for Applicants

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Office Action dated October 10, 2000 (Paper No. 14).
The Examiner has required, under 35 U.S.C. §121, an election of one of the following
distinct species:

Wherein the CD28 ligand is:

- A) an anti-CD28 antibody,
- B) B7-1 or
- C) B7-2.

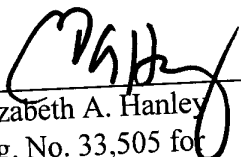
Accordingly, Applicants hereby elect species A (an anti-CD28 antibody) without traverse. Claims 1 and 55-86 read on the elected species.

It is the Applicants' understanding that under 35 U.S.C. §121, an election of a single species for prosecution on the merits is required, to which the claims will be restricted if no generic claim is finally held allowable. Currently claims 1, 55, 60, 65, 70, and 75 are generic. Upon the allowance of the generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141 *et seq.*

SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,


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Date: November 10, 2000

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Re: U.S. Patent Application Serial No.: 09/027,205
Entitled: METHODS FOR MODULATING EXPRESSION OF AN
HIV-1 FUSION COFACTOR
Inventors: Carl H. June, Richard G. Carroll, James L. Riley and
Daniel C. St. Louis
Examiner: P. Gambel; Group Art Unit: 1644
Attorney Docket No.: GNN-001CPA

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Restriction Requirement; and
2. A return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

November 10, 2000

Date

Elizabeth A. Hanley, Reg. No. 33,505

Respectfully submitted,

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